

REMARKS

Claims 1-28 remain pending in the application, with claims 7-16 being withdrawn from consideration.

Claims 1-3, 5, 6, 17-19, 21-25, 27 and 28 over Gossman in view of Boyle

In the Office Action, claims 1-3, 5, 6, 17-19, 21-25, 27 and 28 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Gossman et al., U.S. Patent No. 6,181,935 ("Gossman") in view of Boyle et al., U.S. Patent No. 6,138,158 ("Boyle"). The Applicants respectfully traverse the rejection.

The opening paragraph of the rejection cites the claims as allegedly being obvious over Gossman in view of Boyle. The body of the rejection cites Boyle in view of West. West was relied on in the previous Office Action. The Applicants are herein responding to the formally stated rejection of Gossman in view of Boyle.

Claims 1-3, 5 and 6 recite, *inter alia*, an SMTP protocol communication channel and a plurality of subscriber queues each corresponding to a different subscriber in a wireless network. A short message is placed in at least one of the plurality of subscriber queues before delivery to the wireless network. Claims 17-19 and 21-25, 27 and 28 recite, *inter alia*, placing a short message in at least one of a plurality of subscriber queues before delivery to a wireless network. The plurality of subscriber queues each correspond to a different subscriber in the wireless network.

Gossman appears to disclose a mobility extended telecommunications application comprising an integrated wireless and wirelined network with central control (Gossman, Abstract). A programmed interface translates between different protocols of the wireless and wirelined networks to allow for customized services to be furnished to the wireless network (Gossman, Abstract). Instant Information from the World Wide Web can be delivered to a wireless handset in the form of a short message (SMS) (Gossman, col. 6, lines 22-36). Gossman's SS7 data network interconnects mobility controllers with each other for data communications, i.e., the transfer of necessary data from a

subscriber's HLR to a VLR in the mobility controller the subscriber's mobile station is currently communicating with (Gossman, col. 3, lines 62-67).

The Office Action correctly acknowledges that Gossman fails to teach a short message being placed in at least one of a plurality of subscriber queues before delivery to a wireless network (Office Action, page 2). However, the Office Action relies on Boyle to allegedly make up for the deficiencies in Gossman to arrive at the invention of claims 1-3, 5, 6, 17-19, 21-25, 27 and 28. The Applicants respectfully disagree.

Boyle appears to disclose a two-way interactive communication device that is a node in a distribution network (Abstract). When one or more Internet web pages are updated, rather than sending the entire updated information to users of devices subscribing to the updated information through the network, a notification is sent to a proxy server that forwards the notification to users using a messaging system via a low cost narrowband channel (Boyle, Abstract; Fig. 2; col. 7, lines 12-29). A queue list corresponds to a subscriber ID (Boyle, col. 11, lines 60-61). The queue contains notifications awaiting delivery (Boyle, col. 11, line 64-col. 12, lines 4; Fig. 6).

Boyle discloses a queue associated with subscribers. The queue contains notifications awaiting delivery indicating when one or more Internet web pages are updated. Notifications awaiting delivery indicating when one or more Internet web pages are updated is **NOT** a **short message**, much less a **short message in at least one of a plurality of subscriber queues before delivery to a wireless network**, as claimed by claims 1-3, 5, 6, 17-19, 21-25, 27 and 28.

Neither Gossman nor Boyle, either alone or in combination, disclose, teach or suggest an SMTP protocol communication channel and a plurality of subscriber queues each corresponding to a different subscriber in a wireless network, or a **short message being placed in at least one of the plurality of subscriber queues before delivery to the wireless network**, as claimed by claims 1-3, 5, 6, 17-19, 21-25, 27 and 28.

Accordingly, for at least all the above reasons, claims 1-3, 5, 6, 17-19, 21-25, 27 and 28 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 4, 20 and 26 over Gossman in view of Boyle and Coutts

In the Office Action, claims 4, 20 and 26 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Gossman in view of Boyle, and further in view of Coutts et al., U.S. Patent No. 5,974,054 (“Coutts”). The Applicants respectfully traverse the rejection.

Claims 4, 20 and 26 are dependent on claims 1, 17 and 23 respectively, and are allowable for at least the same reasons as claims 1, 17 and 23.

Claim 4 recites, *inter alia*, an SMTP protocol communication channel and a plurality of subscriber queues each corresponding to a different subscriber in a wireless network, and a **short message** placed in at least one of the plurality of subscriber queues before delivery to the wireless network. Claims 20 and 26 recite, *inter alia*, placing a **short message** in at least one of a plurality of subscriber queues before delivery to a wireless network, the plurality of subscriber queues each corresponding to a different subscriber in the wireless network.

As discussed above, neither Gossman nor Boyle, either alone or in combination, disclose, teach or suggest an SMTP protocol communication channel and a plurality of subscriber queues each corresponding to a different subscriber in a wireless network, or a **short message** being placed in at least one of the plurality of subscriber queues before delivery to the wireless network, as claimed by claims 4, 20 and 26.

The Office Action relies on Coutts to allegedly make up for the deficiencies in Gossman and Boyle to arrive at the invention of claims 4, 20 and 26. The Applicants respectfully disagree.

Coutts appears to teach a method in a radio messaging system for forming a current frame of data, while maintaining a current transmission order for numbered messages (Coutts, col. 1, lines 51-54). A processor selects a candidate message from a message queue (Abstract). The processor tests whether an available space in a current frame of data is sufficient to accommodate the candidate message (Coutts, Abstract).

Couts teaches a single FIFO message queue that messages are retrieved from. Cout's single FIFO message queue is NOT a plurality of subscriber queues, much less a plurality of subscriber queues each corresponding to a different subscriber in a wireless network, or a short message placed in at least one of the plurality of subscriber queues before delivery to the wireless network, as claimed by claims 4, 20 and 26.

Neither Gossman, Boyle nor Cout's, either alone or in combination, disclose, teach or suggest an SMTP protocol communication channel and a plurality of subscriber queues each corresponding to a different subscriber in a wireless network, or a short message placed in at least one of the plurality of subscriber queues before delivery to the wireless network, as claimed by claims 4, 20 and 26.

Accordingly, for at least all the above reasons, claims 4, 20 and 26 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No. 36,457

Manelli Denison & Selter PLLC

2000 M Street, NW
Suite 700
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

WHB/df